

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 12, 2004

DIVISION FOUR

B155511 Bettleman Recreation Enterprises (Not for Publication)
v.
City of South El Monte et al.

The judgment is reversed only insofar as it awards monetary damages against the City. In all other respects, the judgment is affirmed. Bettelman is to have its costs on appeal against Regency. As between Bettelman and City, each side shall bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B147598 People (Not for Publication)
v.
Ortiz et al.

The order granting a new trial is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B169545 Grober et al. (Not for Publication)
 v.
 Turner et al.

The judgment (order denying motion to vacate and set aside the dismissal)
is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B166287 Eastridge Centre (Not for Publication)
 v.
 Rad

The judgment is affirmed. Respondent shall have its costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B164523 Jones Krall (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Costs on appeal are awarded to respondent S.E.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

DIVISION FOUR (Continued)

B166088 Leos Associates (Certified for Publication)
 v.
 Department of Industrial Relations, Division of Labor Standards
 Enforcement

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B169157 People (Not for Publication)
 v.
 West

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B171231 People (Not for Publication)
 v.
 Pezos

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

July 12, 2004 (Continued)

DIVISION FOUR (Continued)

B171292 People (Not for Publication)
v.
Long

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B168570 People v. James Owen
B168236 People v. Marlo Hempstead
B169643 People v. Jose Jurado
B169749 People v. Hoy Chan

Argument waived, cause submitted.

B164610 Karan Nakahee
v.
Southern California Permanente Medical Group

Merits:
Argued by Carol McCully Gillam for appellant and by Thomas R. Kaufman for respondent. Cause submitted.

Court recessed.

July 12, 2004 (Continued)

DIVISION FIVE (Continued)

Court convened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B169044 People v. Valdemar Solario
B171641 People v. Ray Haley
B174300 Michael N. v. S.C.L.A. (DCFS)

Argument waived, cause submitted.

B172329 Ronald T. Hardgrove
 v.
 Southern California Edison Company

Merits:
Argued by Ronald T. Hardgrove, Jr., appellant in propria persona and by William David Harn for respondent. Cause submitted.

B164729 Khybrette Neal
 v.
 Heatlh Net Inc., et al.

Merits:
Argued by Richard A. Love for appellant and by Adrian J. Guidotti for respondents. Cause submitted.

Court recessed.

Court reconvened at 1 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Jed Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B171303 In re Darneisha J.: DCFS v. Bessie G.
B170523 In re Angelina L. DCFS v. Angelina L.
B168666 People v. Levar Jones
B170910 People v. Gilbert Lara
B167614 People v. Gonzalo Navarro
B168395 People v. Adrian Lloyd

Argument waived, cause submitted.

B166277 City of Pomona v. Moses Musharbash

Pursuant to the order filed July 9, 2004, argument waived, submission deferred until August 11, 2004.

B166201 Danelle Cooksey
 v.
 Peter Alexakis

Merits:

Argued by Jennifer E. Gysler for appellant and by David J. Ozoran for respondent. Cause submitted.

B166276 Nora Burrell
 v.
 California Teamsters Public, etc.

Merits:

Argued by Nora Burrell appellant in propria persona and by Patricia Waldeck for respondent. Cause submitted.

Court recessed at 1:25 p.m.

Court reconvened at 2:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Jed Belcher, Deputy Clerk.

July 12, 2004 (Continued)

DIVISION FIVE (Continued)

Each of the following:

B168862 Peo v. Newsome
B169065 Peo v. Preciado
B165974 Peo v. Rodriguez
B171483 Peo v. Germansen
B170037 Kaneko v. Yager
B173414 Peo v. Serrato
B163436 Harper v. Harper
B173738 Naondra w. v. D.C.F.S.

Argument waived, cause submitted.

B165096 Krikor Tavitian
 v.
 Norwest Mortgage, Inc. et al.

Merits:
Argued by Kevin J. Stack for appellants and by Kelly Andrew Beall for respondents. Cause submitted.

B168913 Albert Hughes, Sr.
 v.
 The Hughes Brothers et al.

Merits:
Argued by Michael A. Weiss for appellant and by Richard H. Nakamura for respondent. Cause submitted.

Court adjourned at 3:10 p.m.

DIVISION SIX

B169750 People (Not for Publication)
v.
Arnold

We reverse the convictions for committing a lewd act upon a child under 14 years of age (counts 1-3) and remand for resentencing. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B166405 Chorpash (Not for Publication)
v.
State Farm Fire and Casualty Company

The judgment is affirmed. Costs on appeal are awarded to Respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B169879 People (Not for Publication)
v.
Hischier, et al.

The judgments are affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

July 12, 2004 (Continued)

DIVISION SIX (Continued)

B172173 People v. Brooks (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B171673 Blair (Certified for Publication)
v.
Santa Barbara Superior Court
(The People (Ballesteros), r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B170427 People (Not for Publication)
v.
Brink

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

B171914	Herbst v. Universal Studios, Inc.
B173171	Herbst v. Vivendi Universal Entertainment

Filed order consolidating above captioned appeals.

July 12, 2004 (Continued)

DIVISION SEVEN (Continued)

B170058 People (Not for Publication)
v.
Daniel M.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

[illegible]

The one-year Penal Code section 667.5, subdivision (b) enhancement is ordered stricken. As modified, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B169147 People (Not for Publication)
v.
Wafer

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

July 12, 2004 (Continued)

DIVISION SEVEN (Continued)

B169226 People (Not for Publication)
v.
Chatrie

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B164740 Michael Robles (Not for Publication)
v.
Camelia Robles

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B157844 Guandique et al. (Not for Publication)
v.
Makabali et al.

The portion of the judgment granting costs of Dr. Brooks is reversed with directions to the trial court to strike the award of costs in favor of Dr. Brooks in the amount of \$42,141 and to impose costs apportioned between Dr. Brooks and Dr. Ahuja according to proof. In all other respects the judgment is affirmed. Each party to bear their own costs of appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B162254 Winbush et al. (Not for Publication)

v.

Six Flags Theme Parks, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

B167815 Abrams (Not for Publication)

v.

Dromy et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B174739 Nancy R. (Not for Publication)

v.

Superior Court, Los Angeles County
(DCFS et al., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

July 12, 2004 (Continued)

DIVISION SEVEN (Continued)

B171817 People
 v.
 Michaels

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)